

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

|                           |   |                                |
|---------------------------|---|--------------------------------|
| United States of America, | ) |                                |
|                           | ) |                                |
| Plaintiff,                | ) | <b>INTERSTATE AGREEMENT ON</b> |
|                           | ) | <b>DETAINERS ORDER</b>         |
| vs.                       | ) |                                |
|                           | ) | Case No.: 1:18-cr-159          |
| Derick Evan Smith,        | ) |                                |
|                           | ) |                                |
|                           | ) |                                |
| Defendant.                | ) |                                |

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On September 18, 2018, defendant made his initial appearance and was arraigned in the above-entitled action. AUSA Jeremy Ensrud appeared on the Government’s behalf. Attorney Ashley Gulke was appointed to represent defendant and appeared on defendant’s behalf.

Defendant is currently in state custody. At his initial appearance and arraignment, defendant was advised of his rights under the Interstate Agreement on Detainers Act (“IADA”) to continued federal custody until the charges set forth in the Indictment are adjudicated. The court finds that defendant knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and agreed to return to the custody of the State of North Dakota (the “sending state” under the IADA) pending further proceedings in this case initiated by the United States (the “receiving state” under the IADA).

Accordingly, defendant is remanded to the custody of the United States Marshal's Service for the purpose of returning defendant to the custody of the "sending state," where he shall be housed pending further proceedings or until further order of the court. Further, pursuant to defendant’s waiver, the return of the defendant to his place of incarceration pending trial shall not

be grounds under the IADA for dismissal of the charges set forth in the Indictment. Defendant may motion for a detention hearing at or near the time of his release from state custody.

Dated this 18th day of September, 2018.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court